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RECEIVED APR 29 2015 *Leah ESSE*

April 17, 2015

*Via E-mail and U.S. Mail*

Margaret Herring  
Civil Investigator  
U.S. Environmental Protection Agency, Region 5  
Superfund Division  
Enforcement and Compliance Assurance Branch (SE-5J)  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

Re: South Dayton Dump and Landfill Superfund Site, Moraine, Ohio  
Second Response to EPA Request for Information

Dear Ms. Herring:

On behalf of Coca-Cola Refreshments USA, Inc. ("CCR"), I am responding to the request for information included with the Special Notice Letter dated January 16, 2015. On March 27, 2015—pursuant to a 30-day extension granted by Mr. Thomas Nash of USEPA—CCR submitted its First Response to the Special Notice Letter as it pertained to the former Dayton Coca-Cola Bottling Company plant. Mr. Nash granted CCR an extension of time, to April 17, 2015, to respond to the aspects of the Special Notice Letter regarding other Coca-Cola facilities.<sup>1</sup> Accordingly, CCR is submitting the enclosed Second Response to the Special Notice Letter.

Sincerely,

Leah J. Knowlton

Enclosure

cc: Elizabeth T. Irvin, Esq.

<sup>1</sup> Email correspondence between Leah Knowlton and Thomas Nash, dated March 19, 2015.

**Second Response of Coca-Cola Refreshments USA, Inc. to  
EPA Request for Information Pursuant to 42 U.S.C. § 9604**

The following constitutes the second response of Coca-Cola Refreshments USA, Inc. ("CCR") to the EPA request for information, dated January 16, 2015, concerning CCR's facilities located within a 50-mile radius of the South Dayton Dump and Landfill Site in Moraine, Ohio ("the Request"). CCR submitted its First Response to EPA Request for Information on March 27, 2015, regarding only the former Dayton Coca-Cola Bottling Company. This Second Response concerns other historical bottling plants within the 50-mile radius.

**General Clarifications, Limitations and Objections**

This Response is made subject to the following general clarifications, limitations and objections.

1. In a conference with respondents' counsel on February 10, 2015, Tom Nash of USEPA agreed to limit the date range for responses to 1941 – 1996, which EPA contends is the period in which the South Dayton Dump and Landfill ("SDDL") operated. Mr. Nash further agreed to limit the geographical range of responses to a 50-mile radius from the SDDL Site.

2. Although Mr. Nash agreed to so limit the Request, CCR objects that the Request is overly broad, unduly burdensome and seeks information that is irrelevant, not related to the SDDL Site and is beyond the scope of inquiry authorized by 42 U.S.C. § 9604. All of these responses are subject to these objections.

3. Upon information and belief, the following independently-owned Coca-Cola bottling companies were in operation at some time during the time period 1941 – 1996 in locations within 50 miles of the SDDL Site. These six companies are collectively called the "Historical Bottlers."

- a. Middletown Coca-Cola Bottling Company. Located at 110 South Verity Parkway, Middletown, Butler County, OH 45044. Bottling operations 1950 to 1972.<sup>1</sup> Relocated to 1501 South University Blvd., Middletown, Butler County, OH 45044. Bottling operations 1972 to 1982, and used as a warehouse 1982 to 1983.
- b. Piqua Coca-Cola Bottling Company. 110 East High Street, Piqua, Miami County, OH 45356. Bottling operation 1920 to 1973, and used as a warehouse until the early 1980's.
- c. Springfield Coca-Cola Bottling Company. 423 West North Street, Springfield, Clark County, OH 45504. Bottling operation 1920 to 1972, and used as a warehouse until the early 1980's.
- d. The Fayette Coca-Cola Bottling Company. 130 South Fayette Street, Washington Court House, Fayette County, OH 43160. Possible bottling operation 1924 to 1962.
- e. The Richmond Coca-Cola Bottling Co., Inc.. 110 West Main Street, Richmond, Wayne County, IN 47374. Bottling operation 1917 to 1986.
- f. Union City Coca-Cola Bottling co., Inc./ Coca-Cola Bottling Co. of Indiana, Inc.. 102 West Pearl Street, Union City, Randolph County, IN 47390. Bottling operation 1907 to 1982.

4. During the time period 1941 – 1996, an independently owned company, the Coca-Cola Bottling Corporation of Cincinnati, operated a facility at 1507 Dana Avenue, Cincinnati, Ohio from 1911 to 1984, and then relocated to 5100 Duck Creek Road, Cincinnati, Ohio (the "Cincinnati Facility"). The Cincinnati Facility is owned by CCR and is currently operating.

5. The independent bottling companies identified in paragraphs 3 and 4, above, were the subjects of numerous corporate asset sales, stock sales and merger transactions since 1941.

6. The Historical Bottlers all ceased doing business prior to 1986 when Johnston Coca-Cola Bottling Group, Inc. acquired an investment interest in certain companies that owned distribution rights in areas covered by these Historical Bottlers.

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<sup>1</sup> The dates of operation of the Historical Bottlers, as set forth in paragraph 3, are approximate dates based upon CCR's investigation.

7. After diligent investigation, CCR has not been able to confirm corporate successorship as to the entities comprising the Historical Bottlers through the numerous ownership changes and transfers referred to in paragraph 5.

8. As a result of the various corporate transactions involving the Historical Bottlers, CCR has been unable to locate documents relating to historical operations at these companies in the time period of 1941 – 1996.

9. CCR's investigation is continuing, and it reserves the right, but not the obligation, to supplement, revise, correct, modify or otherwise amend the responses herein.

#### Responses to EPA Requests

1. *Identify all persons consulted in the preparation of the answers to these questions.*

Elizabeth T. Irvin, Environmental Health & Safety Counsel, The Coca-Cola Company

Campbell Irving, Environmental Counsel, The Coca-Cola Company

Jasmine Chang, Manager of Contractual Affairs, Coca-Cola North America

Celeste Burr, Real Estate Specialist, CCR

Marissa Share, Real Estate Project Manager, CCR

Bill DeBoard, former employee of CCR

Earl Reeder, Jr., former employee of CCR

Steve Rowley, Automated Warehouse Manager, CCR

2. *Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.*

CCR consulted and will provide copies of the following categories of documents: a) the 1993 104(e) Request from U.S. EPA concerning the Powell Road Landfill in Huber Heights, Ohio, and related correspondence and b) The Coca Cola Company's response to a 1989 Request

for Information from U.S. EPA concerning the Miami County incinerator in Troy, Ohio. CCR also consulted the documents previously produced in the First Response of CCR dated March 27, 2015.

3. *If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

4. *Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

5. *State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

6. *Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

## **PERMIT/REGISTRATIONS**

7. *List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.*

The Cincinnati Facility has a Toxics Release Inventory ("TRI") Identification number No. 45227CCCLB5100D. With respect to the Historical Bottlers, CCR has not identified any documents or information responsive to this request.

8. *Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

9. *Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

10. *List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.*

See response to question 7.

11. *Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.*

The Cincinnati Facility has EPA Registry ID No. 110000393422, and RCRA permit number RCRA-OHD004248670. With respect to the Historical Bottlers, CCR has not identified any documents or information responsive to this request.

12. *Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

***RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/RECYCLING/SALE OF WASTE (INCLUDING BY-PRODUCTS)***

13. *Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and e-mail address.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

14. *Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:*
  - a. the type of container (e.g. 55 gal. drum, dumpster, etc.);*
  - b. the colors of the containers;*
  - c. any distinctive stripes or other markings on those containers;*
  - d. any labels or writing on those containers (including the content of those labels);*
  - e. whether those containers were new or used; and*
  - f. if those containers were used, a description of the prior use of the containers.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

15. *For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

16. *Provide copies of such contracts and other documents reflecting such agreements or arrangements.*
- g. [Sic] State where Respondent sent each type of its waste for disposal, treatment, or recycling.*
- h. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).*
- i. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.*
- j. For each type of waste specify which Waste Carrier picked it up.*
- k. For each type of waste, state how frequently each Waste Carrier picked up such waste.*
- l. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).*
- m. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.*
- n. Provide copies of all documents containing information responsive to the previous seven questions.*
- o. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:*



*iii. the approximate quantity of those wastes disposed by month and year;*

*iv. the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre-treatment plant, Publicly Owned Treatment Works (POTW), etc.); and*

*v. whether and what pretreatment was provided.*

*q. Identify any sewage authority or treatment works to which Respondent's waste was sent.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

**RESPONDENT'S ENVIRONMENTAL REPORTING:**

17. *Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.*

See response to question 11.

18. *Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

19. *State the years during which such information was sent/filed.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

20. *Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

21. *State the years during which such information was sent/filed.*

- i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);*
  - ii. names or markings on the vehicles; and*
  - iii. the color of such vehicles.*
- j. [Sic] Identify all of each Waste Carrier's employees who collected Respondent's wastes.*
- k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.*
- l. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.*
- m. Describe how Respondent managed pickups of each waste, including but not limited to:*
  - i. the method for inventorying each type of waste;*
  - ii. the method for requesting each type of waste to be picked up;*
  - iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;*
  - iv. the amount paid or the rate paid for the pickup of each type of waste;*
  - v. the identity of (see Definitions) Respondent's employee who paid the bills; and*
  - vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.*
- n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.*
- o. State the basis for and provide any documents supporting the answer to the previous question.*
- p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:*
  - i. the nature and chemical composition of each type of waste;*
  - ii. the dates on which those wastes were disposed;*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

22. *List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.*

After diligent investigation, CCR has not identified any documents or information responsive to this request.

23. *Identify the federal and state offices to which such information was sent.*

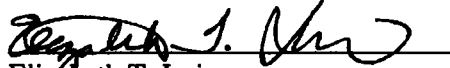
After diligent investigation, CCR has not identified any documents or information responsive to this request.

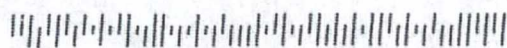
### **CERTIFICATION**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Date: April 16<sup>th</sup>, 2015

  
Elizabeth T. Irvin  
Environmental Health & Safety  
Counsel  
The Coca-Cola Company  
1 Coca-Cola Plaza, NW  
Atlanta, Georgia 30313



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